



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,283	03/24/2004	Hirotsuna Miura	119230	4042
25944	7590	10/11/2007		
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850				
			EXAMINER ZACHARIA, RAMSEY E	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 10/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/807,283	Applicant(s) MIURA, HIROTSUNA	
	Examiner Ramsey Zacharia	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 2-5 and 8-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 3-5 and 8-21 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species (claims 3-5) and invention (claims 8-21), there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 03 April 2006.

Claims 3 and 4 are now withdrawn because the claims require the substrate to have a shrinking property (otherwise the substrate could not be shrunk) and the applicant had previously elected the species drawn to an extendable substrate. That claim 3 uses the transitional phrase "comprising" does not mean that the claim reads on the elected species because the substrate of this claim is now not directed to a generic material but rather to an unelected species.

Claim Rejections - 35 USC § 112

3. Claims 1, 6, and 7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection. No support could be found in the disclosure as

Art Unit: 1794

originally filed for a substrate that is both (a) made of an irreversible elongate material, and (b) has a photo-shrinking property. The specification describes forming a display device on a substrate having a size smaller than a desired size (i.e. a substrate that is elongated during production) *or* a substrate having a size smaller than a desired size (i.e. a substrate that shrinks during production) (see paragraph 0067 on page 9). In each of the embodiments described (e.g. first exemplary embodiment starting at paragraph 0068 on page 9, second exemplary embodiment starting at paragraph 0142 on page 9, third exemplary embodiment starting at paragraph 0176 on page 33, fourth exemplary embodiment starting at paragraph 0181 on page 34), the material used is either an irreversible elongate material or a shrinking material. Moreover, none of the materials cited as having an irreversible elongate property (paragraph 0072 on page 11) are described or universally known to possess a photo-shrinking property.

Response to Arguments

4. Applicant's arguments filed 20 July 2007 have been fully considered but they are not persuasive.

With respect to claims 3-5, the applicants argue that these claims are drawn to a substrate having a shrinking property that is also recited in claim 1 and that the previously elected species does not specifically exclude substrates having a shrinking property.

This is not persuasive because claims 3-5 are directed to non-elected species. The applicants chose to elect substrates that extend and opted not to elect substrates that shrink (i.e. thermally shrinking substrates or optically shrinking substrates). Claims 3-5 are directed to a substrate that shrinks. While such a substrate may be considered generic to both a thermally

Art Unit: 1794

shrinking substrate and an optically shrinking substrate, it is not generic to a substrate that is extended.

With respect to the rejection under 35 U.S.C. 112, first paragraph, the applicants argue that the specification clearly supports a substrate that is made of an irreversible elongate material and has a photo-shrinking property, citing as an example paragraphs 0185 and 0186.

This is not persuasive because the originally filed disclosure, including paragraph 0185 and 0186, do not appear to disclose an irreversible elongate material that has a photo-shrinking property. While the first sentence of paragraph 0185 appears to disclose a material that may be irreversibly shrunk with thermal or optical energy, a material that irreversibly shrinks is not the same as an irreversible elongate material. To elongate means to extend or lengthen; it is the opposite of shrinking. The examiner is unable to find any reference to elongation in paragraphs 0185 and 0186.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 1794

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Zacharia whose telephone number is (571) 272-1518.

The examiner can normally be reached on Monday through Friday from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney, can be reached at (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ramsey Zacharia
Primary Examiner
Tech Center 1700